

December 29, 2015

The Honorable Edmund G. Brown Jr., Governor  
State of California  
State Capitol, First Floor  
Sacramento, CA 95814

Dear Governor Brown:

Pursuant to the requirements of California Business and Professions Code Section 312.1, the Department of General Services, Office of Administrative Hearings is submitting the first annual Case-related Data Report to the Governor, Legislature, and the Department of Consumer Affairs.

In keeping with our commitment to encourage conservation, we have posted this report to our website. The report can be viewed at <http://www.dgs.ca.gov/ola/home/2016Reports.aspx>. The report is titled Case-related Data Report Pursuant to California Business and Professions Code Section 312.1.

If you wish to receive a printed copy of this report, please contact Zackery P. Morazzini, Director and Chief Administrative Law Judge, Office of Administrative Hearings, Department of General Services at (916) 263-0550.

Sincerely,



Daniel C. Kim  
Director

cc: See attached distribution list

Zackery P. Morazzini, Director and Chief Administrative Law Judge, Office of  
Administrative Hearings, Department of General Services

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**LEGISLATURE—REVISED 12/7/15**

# **Office of Administrative Hearings**

**State of California**



## **Case-related Data Report Pursuant to California Business and Professions Code Section 312.1**

**January 2016**

**Office of Administrative Hearings  
Department of General Services**

**Report to the Governor, the Legislature and the Department of Consumer Affairs**

**Executive Summary**

This report is required by Business and Professions Code Section 312.1, effective January 1, 2015. Business and Professions Code Section 312.1 directs the Office of Administrative Hearings (OAH) to provide specified case-related data yearly to the Governor, the Legislature and the Department of Consumer Affairs, commencing January 1, 2016. This is the first annual report which contains data for the fiscal year July 1, 2014 through June 30, 2015.

**Report Detail**

Business and Professions Code Section 312.1 requires OAH to provide the following case-related data for the previous fiscal year:

- a) Number of cases referred by each constituent entity to each office of OAH for a hearing.
- b) Average number of days from receiving a request to setting a hearing date at each office of OAH.
- c) Average number of days from setting a hearing to conducting the hearing.
- d) Average number of days after conducting a hearing to transmitting the proposed decision by each office of OAH.

Business and Professions Code Section 312.1, subdivision (a)

This table provides the number of cases referred to each OAH office by each constituent entity. During the fiscal year, OAH received a total of 3,994 cases.

Total number of cases for fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Accountancy	15	10	5	8	<b>38</b>
Acupuncture Board	13	5	1	1	<b>20</b>
Automotive Repair	25	54	18	44	<b>141</b>
Automotive Repair - Smog Check	77	-	53	16	<b>146</b>
Barbering and Cosmetology	35	12	22	24	<b>93</b>
Behavioral Sciences	28	35	32	21	<b>116</b>
California Architects	3	1	1	1	<b>6</b>

Total number of cases for fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Cemetery and Funeral	-	2	3	-	<b>5</b>
Chiropractic Examiners	7	9	7	14	<b>37</b>
Contractors State License Board	376	149	313	136	<b>974</b>
Court Reporters Board	1		2	1	<b>4</b>
Dental Board	31	14	18	25	<b>88</b>
Dental Hygiene Committee	1	3	3	3	<b>10</b>
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1	-	2	2	<b>5</b>
Medical Board	119	81	60	45	<b>305</b>
Occupational Therapy	1	1	4	1	<b>7</b>
Optometry	11	1	4	-	<b>16</b>
Osteopathic Medical Board	2	5	4	3	<b>14</b>
Pharmacy	102	33	33	46	<b>214</b>
Physical Therapy Board	21	5	9	9	<b>44</b>
Physician Assistant Board	7	3	6	6	<b>22</b>
Podiatric Medicine	3	-	1	1	<b>5</b>
Private Postsecondary Education	10	9	8	6	<b>33</b>
Professional Fiduciaries Bureau	-	1	-	1	<b>2</b>
Psychology	13	8	7	9	<b>37</b>
Real Estate	227	103	98	38	<b>466</b>
Real Estate Appraisers	5	4	2	1	<b>12</b>
Registered Nursing	237	220	151	171	<b>779</b>
Respiratory Care Board	12	10	2	6	<b>30</b>
Security and Investigative Services	18	15	5	3	<b>41</b>
Speech-Language Pathology and Audiology and Hearing Aid Dispensers	3	2	-	-	<b>5</b>
Structural Pest Control Board	21	-	8	6	<b>35</b>
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	12	6	7	8	<b>33</b>
Vocational Nursing and Psychiatric Technicians	84	29	29	69	<b>211</b>
<b>Total cases</b>	<b>1,521</b>	<b>830</b>	<b>918</b>	<b>725</b>	<b>3,994</b>

Business and Professions Code Section 312.1, subdivision (b)

This table provides the average number of days from receiving a request to setting a hearing date by each OAH regional office.

Average number of days for each OAH office for fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Accountancy	6	4	5	1	4
Acupuncture Board	19	4	6	1	13
Automotive Repair	11	4	5	1	4
Automotive Repair - Smog Check	15	-	6	9	11
Barbering and Cosmetology	7	4	4	1	4
Behavioral Sciences	6	3	3	1	3
California Architects Board	8	6	6	1	6
Cemetery and Funeral Bureau	-	5	3	-	4
Chiropractic Examiners	12	3	4	1	4
Contractors State License Board <sup>1</sup>	50	4	7	10	20
Court Reporters Board	17	-	2	1	5
Dental Board	13	4	8	1	7
Dental Hygiene Committee	5	2	5	1	3
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1	-	5	1	2
Medical Board	27	3	11	1	14
Occupational Therapy	8	7	3	1	4
Optometry	9	1	4	-	7
Osteopathic Medical Board <sup>2</sup>	141	2	12	1	25
Pharmacy	12	5	4	2	7
Physical Therapy Board	19	4	11	1	12
Physician Assistant Board	22	2	8	1	10
Podiatric Medicine	13	-	5	1	9
Private Postsecondary Education	10	3	6	1	6
Professional Fiduciaries Bureau	-	6		1	4
Psychology	14	3	14	1	8
Real Estate	7	3	4	2	5
Real Estate Appraisers	8	5	3	1	6
Registered Nursing	13	4	5	2	6
Respiratory Care Board	9	4	16	1	6
Security and Investigative Services	6	4	6	1	5

Average number of days for each OAH office for fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	10	2	-	-	7
Structural Pest Control Board	9	-	6	1	7
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	14	5	3	1	7
Vocational Nursing and Psychiatric Technicians	11	2	5	9	8
<b>Total average days</b>	<b>18</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>10</b>

Notes: <sup>1</sup> In Los Angeles, many Contractors State License Board cases are initially set for mandatory settlement conferences before hearings are set. This early settlement process has proved very successful in resolving many cases quickly and efficiently before a hearing. The cases that do not settle during this process are only then set for hearing.

<sup>2</sup> There were only two Osteopathic Medical Board cases in Los Angeles during the fiscal year. One case was set within two days of filing. The other case had a significant delay in case-setting due to extensive motions filed by the parties and a change in complainant's attorney.

Business and Professions Code Section 312.1, subdivision (c)

This table provides the average number of days from setting a hearing to conducting the hearing by each regional OAH office. The average number of days is shown with a case count in parentheses for each constituent entity. The case count is the number of cases used to calculate each average.

Average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Accountancy	198 (4)	119 (3)	147 (2)	222 (2)	<b>171 (11)</b>
Acupuncture Board	154 (3)	120 (2)	54 (1)	17 (1)	<b>110 (7)</b>
Automotive Repair	231 (20)	143 (32)	249 (15)	229 (16)	<b>200 (83)</b>
Automotive Repair - Smog Check	156 (57)	-	240 (34)	238 (19)	<b>196 (110)</b>
Barbering and Cosmetology	170 (25)	91 (9)	203 (18)	218 (13)	<b>178 (65)</b>
Behavioral Sciences	165 (15)	102 (12)	80 (13)	59 (15)	<b>102 (55)</b>
California Architects Board	-	43 (1)	-	-	<b>43 (1)</b>
Cemetery and Funeral Bureau	-	146 (1)	-	284 (3)	<b>250 (4)</b>
Chiropractic Examiners	244 (6)	27 (7)	229 (2)	85 (8)	<b>121 (23)</b>
Contractors' State License Board	171 (107)	117 (59)	247 (104)	255 (50)	<b>199 (320)</b>
Court Reporters Board	-	-	112 (1)	-	<b>112 (1)</b>
Dental Board	195 (19)	72 (10)	194 (11)	171 (12)	<b>166 (52)</b>
Dental Hygiene Committee	-	48 (2)	86 (2)	-	<b>67 (4)</b>
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	174 (1)	-	118 (2)	<b>137 (3)</b>
Medical Board	141 (50)	95 (46)	157 (32)	176 (27)	<b>136 (155)</b>
Occupational Therapy	321 (1)	-	61 (3)	-	<b>126 (4)</b>
Optometry	51 (9)	148 (1)	99 (5)	-	<b>73 (15)</b>
Osteopathic Medical Board	221 (1)	137 (3)	-	53 (2)	<b>123 (6)</b>
Pharmacy	184 (55)	101 (15)	197 (28)	189 (28)	<b>178 (126)</b>
Physical Therapy Board	80 (6)	-	289 (4)	80 (2)	<b>149 (12)</b>
Physician Assistant Board	183 (2)	128 (2)	118 (6)	-	<b>133 (10)</b>
Podiatric Medicine	-	-	169 (2)	-	<b>169 (2)</b>
Private Postsecondary Education	-	-	84 (3)	322 (1)	<b>144 (4)</b>
Professional Engineers, Land Surveyors and Geologists	-	-	254 (2)	-	<b>254 (2)</b>
Psychology	250 (4)	65 (3)	615 (2)	223 (6)	<b>251 (15)</b>
Real Estate	152 (153)	123 (50)	188 (54)	131 (24)	<b>152 (281)</b>
Real Estate Appraisers	212 (1)	-	133 (1)	414 (2)	<b>293 (4)</b>
Registered Nursing	148 (97)	100 (112)	241 (57)	152 (76)	<b>149 (342)</b>

Average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Respiratory Care Board	150 (3)	111 (6)	328 (1)	258 (3)	<b>170 (13)</b>
Security and Investigative Services	152 (29)	121 (12)	255 (5)	100 (5)	<b>150 (51)</b>
Speech-Language Pathology and Audiology and Hearing Aid Dispensers	73 (2)	26 (1)	248 (1)	-	<b>105 (4)</b>
Structural Pest Control Board	206 (5)	115 (1)	106 (8)	114 (8)	<b>132 (22)</b>
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	219 (4)	83 (7)	188 (4)	333 (2)	<b>169 (17)</b>
Vocational Nursing and Psychiatric Technicians	141 (67)	95 (22)	207 (36)	205 (30)	<b>162 (155)</b>
<b>Total average days (hearing count)</b>	<b>160 (745)</b>	<b>106 (420)</b>	<b>210 (457)</b>	<b>183 (357)</b>	<b>164 (1,979)</b>

Note: This chart reports cases that went to hearing during the fiscal year, regardless of when the case was filed with OAH.

Business and Professions Code Section 312.1, subdivision (d)

This table provides the average number of days after conducting a hearing to transmitting the proposed decision by each regional OAH office. The average number of days is shown with a decision count in parentheses for each constituent entity. The decision count is the number of decisions issued used to calculate each average.

Average number of days from conducting a hearing to transmitting the proposed decision for decisions issued during fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Accountancy	23 (7)	26 (2)	17 (2)	26 (1)	<b>23 (12)</b>
Acupuncture Board	32 (2)	24 (2)	-	24 (1)	<b>27 (5)</b>
Automotive Repair	21 (12)	25 (31)	34 (10)	26 (15)	<b>26 (68)</b>
Automotive Repair - Smog Check	23 (46)	-	19 (20)	27 (14)	<b>23 (80)</b>
Barbering and Cosmetology	21 (22)	20 (9)	15 (13)	35 (9)	<b>21 (53)</b>
Behavioral Sciences	16 (13)	21 (11)	22 (14)	32 (14)	<b>23 (52)</b>
California Architects Board	-	15 (1)	-	-	<b>15 (1)</b>
Cemetery and Funeral Bureau	-	27 (1)	-	34 (3)	<b>33 (4)</b>
Chiropractic Examiners	26 (4)	13 (7)	20 (2)	25 (7)	<b>21 (20)</b>
Contractors State License Board	23 (67)	26 (41)	27 (64)	35 (36)	<b>27 (208)</b>
Court Reporters Board	-	-	27 (1)	-	<b>27 (1)</b>
Dental Board	23 (17)	27 (8)	21 (9)	29 (9)	<b>25 (43)</b>
Dental Hygiene Committee	-	8 (2)	21 (2)	-	<b>14 (4)</b>
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	31 (1)	-	-	<b>31 (1)</b>
Medical Board	14 (46)	19 (39)	25 (25)	33 (29)	<b>22 (139)</b>
Occupational Therapy	30 (3)	-	24 (3)	-	<b>27 (6)</b>
Optometry	18 (7)	-	22 (4)	-	<b>20 (11)</b>
Osteopathic Medical Board	31 (1)	14 (2)	-	32 (2)	<b>25 (5)</b>
Pharmacy	19 (45)	20 (13)	16 (15)	24 (22)	<b>20 (95)</b>
Physical Therapy Board	31 (5)	9 (2)	24 (5)	28 (3)	<b>25 (15)</b>
Physician Assistant Board	22 (5)	30 (2)	19 (6)	-	<b>22 (13)</b>
Private Postsecondary Education	-	-	30 (1)	33 (1)	<b>32 (2)</b>
Professional Engineers, Land Surveyors and Geologists	-	-	6 (1)	-	<b>6 (1)</b>
Psychology	55 (3)	20 (4)	22 (2)	43 (5)	<b>36 (14)</b>
Real Estate	26 (143)	20 (47)	27 (45)	30 (23)	<b>25 (258)</b>
Real Estate Appraisers	23 (1)	-	12 (1)	26 (2)	<b>22 (4)</b>
Registered Nursing	29 (74)	26 (103)	26 (51)	27 (65)	<b>27 (293)</b>
Respiratory Care Board	35 (3)	26 (2)	21 (1)	15 (1)	<b>28 (7)</b>
Security and Investigative Services	16 (14)	29 (3)	10 (4)	35 (4)	<b>20 (25)</b>
Speech-Language Pathology and Audiology and Hearing Aid Dispensers	20 (3)	10 (1)	16 (1)	-	<b>17 (5)</b>

Average number of days from conducting a hearing to transmitting the proposed decision for decisions issued during fiscal year 2014-15					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board					
Structural Pest Control Board	40 (6)	-	28 (7)	26 (7)	<b>31 (20)</b>
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	27 (1)	22 (6)	27 (5)	49 (2)	<b>28 (14)</b>
Vocational Nursing and Psychiatric Technicians	31 (63)	24 (18)	21 (33)	29 (24)	<b>27 (138)</b>
<b>Total average days (decision count)</b>	<b>24 (613)</b>	<b>23 (358)</b>	<b>24 (347)</b>	<b>30 (299)</b>	<b>25 (1,617)</b>

Note: this chart reports cases in which a decision was issued during the fiscal year, regardless of when the case was filed with OAH.

If you have any questions regarding this report, please contact Carlos Trejo by phone at (916) 263-0759 or by email at [Carlos.Trejo@dgs.ca.gov](mailto:Carlos.Trejo@dgs.ca.gov).

You can find this report on the Office of Administrative Hearings' website at <http://www.dgs.ca.gov/oah/Home/Publications.aspx> and the Department of General Services' website at <http://www.dgs.ca.gov/ola/home/2016Reports.aspx>.